controlling call admission based on the calculated load level.

26. (New) A system of controlling call admissions in a communications network, comprising:

load calculating means for calculating a load level as a function of a change in measured power; and

control means for controlling call admission based on the calculated load level.

27. (New) A system of controlling call admissions in a communications network, comprising:

load calculating means for calculating a load level as a function of a change in number of users; and

control means for controlling call admission based on the calculated load level.--

## **REMARKS**

Claims 3-27 are pending in the present application. Claims 1 and 12 are canceled. Claims 2, 3, 5, 6, 9, 13, 14, 16, 17, and 20 are amended. Claims 24-27 are new. Claims 2, 3, 5, 6, 13, 14, 16, 17 and 24-27 are independent.

Applicant respectfully submits that no new matter has been added with respect to claims 24-27, as the Examiner will realize upon review.

## ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the Examiner's indication that claims 2-11 and 13-23 contain allowable subject matter. Accordingly, Applicant respectfully submits that claims 2, 3, 5, 6, 13, 14, 16, and 17 have been rewritten in independent form, and are now in condition for allowance. Applicant further submits that claims 4, 7-11, 15, and 18-23 are also at least by virtue of their dependency on the above-mentioned claims.

## PRIOR ART REJECTIONS

Claims 1 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Patent Publication No. WO 97/13334 to Fleming et al. (hereinafter Fleming) in view of Huang, "Call Admission in Power Controlled CDMA Systems," IEEE, Vol. 3, May 1996 (hereinafter Huang). This rejection is respectfully traversed for the following reasons.

Independent claims 1 and 12 have been canceled. However, insofar as the Examiner's reasoning in these rejections may be relevant to new claims 25 and 27, Applicant respectfully submits the following remarks.

Independent claims 25 and 27 each recite "calculating a load level as a function of a change in number of users." In section 2, page 2 of the outstanding Office Action, the Examiner admits that Fleming fails to

teach the calculation of a load level as function of a value representing a change in power measurement or a value representing a change in the number of users. However, the Examiner asserts that Huang discloses calculating a load level as a function of the number of users within a cell (page 2 of the Office Action).

The Examiner further asserts it would have been obvious to one of ordinary skill in the art to implement Huang's teaching of calculating the load level as a function of the number of users in Fleming's system (Id.).

Although the propriety of the Examiner's combination of Fleming and Huang will not be addressed herein, it should be understood that Applicant retains the right to traverse the Examiner's reasons for combining these two prior art documents at a later time if such is desired.

In the rejection, the Examiner refers to a formula in Huang for calculating a load level based on the number of users assigned to a cell, the Examiner has pointed out no teaching in Huang of calculating a load level based on a change in the number of users as recited in independent claims 25 and 27. Applicant respectfully submits that Huang and Fleming, either in combination together or standing alone, disclose this feature.

Independent claims 24 and 26 recite "calculating a load level as a function of a change in measured power," which was similarly recited in claims 1 and 12 (now canceled). In the prior art rejection, the Examiner

referred to no teaching in either Fleming or Huang of calculating a load level based on a value representative of a change in power measurements.

Accordingly, Applicant respectfully submits that all presently pending claims are allowable at least for the above reasons.

## CONCLUSION

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Jason Rhodes at (703) 668-8020 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

Harness, Dickey & Pierce, P.L.C.
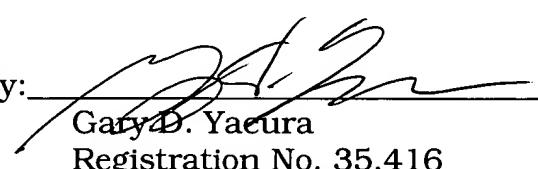
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Enclosure: Claim Amendments with Markings Showing Changes Made

## VERSION WITH MARKINGS SHOWING CHANGES MADE

## IN THE CLAIMS

Claims 1 and 12 have been canceled.

The claims have been amended as follows:

2. (Amended) [The] A method of [claim 1] controlling call admission in a communications network, comprising:

calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

controlling call admission based on the calculated load level, wherein said calculating step [utilizes a first load level estimating method to calculate an initial load level, and utilizes at least a second load level estimating method to] recursively calculates updated load levels.

3. (Amended) [The] A method of [claim 1] controlling call admission in a communications network, comprising:

calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

controlling call admission based on the calculated load level, wherein said calculating step estimates load level as a function of a measured change in power [measurements] and a change in number of users [values].

5. (Amended) [The] A method of [claim 1] controlling call admission in a communications network, comprising:

calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

controlling call admission based on the calculated load level,

wherein said calculating step recursively updates load level as a function of a change in  number of users [values].

6. (Amended) [The] A method of [claim 1] controlling call admission in a communications network, comprising:

calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

controlling call admission based on the calculated load level,

wherein said calculating step recursively updates load level as a function of a change in measured power [measurements].

9. (Amended) The method of claim [1] 6, further comprising:

verifying a calculated load level before using the calculated load level in said controlling step.

13. (Amended) [The] A system of [claim 12] controlling call admissions in a communications network, comprising:

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load calculating means for calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

control means for controlling call admission based on the calculated load level,

wherein said load calculating means [utilizes a first load level estimating technique to calculate an initial load level, and utilizes at least a second load level estimating technique to] recursively calculates updated load levels.

14. (Amended) [The] A system of [claim 12] controlling call admissions in a communications network, comprising:

load calculating means for calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

control means for controlling call admission based on the calculated load level,

wherein said load calculating means estimates load level as a function of a change in measured power [measurements] and a change in number of users [values].

16. (Amended) [The] A system of [claim 12] controlling call admissions in a communications network, comprising:

load calculating means for calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

control means for controlling call admission based on the calculated load level,

wherein said load calculating means recursively updates load level as a function of a change in number of users [values].


17. (Amended) [The] A system of [claim 12] controlling call admissions in a communications network, comprising:

load calculating means for calculating a load level as a function of at least one of a change in measured power and a change in number of users; and

control means for controlling call admission based on the calculated load level,

wherein said load calculating means recursively updates load level as a function of a change in measured power [measurements].


20. (Amended) The system of claim [12] 17, further comprising:

verifying means for verifying a calculated load level before said control means uses the calculated load level.


Claims 24-27 have been added.